

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 7, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Marks and Commissioner Davis. Also in attendance were Superintendent Davis, Industry Liaison Okey and Executive Secretary Webb.

Ronna Chappell of ILBA, Carol Tietz of Bose McKinney and Evans, Jim Calvert of Olinger and Deb Scott of IABR were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Vice Chairperson Glass moved to approve the minutes that were submitted for the December 17, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Commissioner Marks moved to approve the PAD forms that were submitted for the January 7, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR49-05664 DURANGO'S, INC. – Hearing Judge Steiner stated this was a recommended denial by the Marion County Local Board and an upholding of that recommendation by the ATC. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairperson Glass moved to uphold the Hearing Judge's recommendation to deny renewal of the permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR27-19760 ROBERT B. NUNN – Hearing Judge Steiner stated this was a recommended denial of a new application by the Grant County Local Board and an upholding of that recommendation by the ATC. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to reverse the denial and approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR45-01568 ANDY'S RESTAURANT AND LOUNGE, INC. – Hearing Judge Steiner stated this was a recommended denial of a renewal by the Lake County Local Board and an upholding of that approval by the ATC. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to deny the renewal of the permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

No Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Three hundred eleven (311) renewals approved, thirty-six (36) new and/or transfer permits approved, five (5) permits conditionally approved, three (3) permits approved for first year escrow, and three (3) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR54-01494 CARLA HURT – Vice Chairperson Glass noted this is a type 210 transfer of location application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

DL84-20037 SPEEDWAY SUPERAMERICA, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board and deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL84-20036 SPEEDWAY SUPERAMERICA, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board and deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR59-07249 THE COLONIAL CORPORATION – Vice Chairperson Glass noted this is a type 210 transfer of location and ownership application with the local board voting three (3) to one (1) to disapprove the transfer of location and four (4) to zero (0) to approve the transfer of ownership.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the transfer of location and approve the transfer of ownership. Motion seconded by Commissioner Marks and it was unanimously approved.

RR09-00946 EMMA L. REDMON BRUNO – Vice Chairperson Glass noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-98331 BEVERLY BUTTERFIELD – Vice Chairperson Glass noted this is a type 112 renewal application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL02-20034 DAVID A. SHIELDS – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR82-01413 SIDROE ENTERPRISES, LTD. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR63-07494 BOB-INN, INC. – Vice Chairperson Glass noted this is a type 220 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the 220 renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR09-20137 AND RR09-20138 AGUIRRE RESTAURANT CORP. – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make thirty-eight (38) permit files inactive. Twenty-four (24) permits were not subject to auction and fourteen (14) permit were subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RC80-00192 AMERICAN LEGION POST #46 AND RC80-933443 LOYAL ORDER OF MOOSE – Appeals filed.

OLD BUSINESS

No Old Business.

NEW BUSINESS

RR53-02564 TERRY'S BANQUETS & CATERING – Industry Liaison Okey stated this permittee would like to be officially designated as a “catering hall”. Mr. Okey spoke with State Excise Police Lieutenant Miles to get his recommendation in this matter. Lieutenant Miles stated that he had no problems with the Commission making that designation.

Commissioner Davis moved to approve the request to designate this permit as a catering hall. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

MENTAL HEALTH ASSOCIATION INTRO 2003 – The Mental Health Association would like to serve donated alcoholic beverages at their INTRO 2003 event.

AMERICAN HEART ASSOCIATION HEART OF GOLD BALL – The American Heart Association is requesting permission to serve donated alcoholic beverages at their Heart of Gold Ball.

ST. VINCENT PHYSICIAN RECOGNITION DINNER – St. Vincent Hospital is requesting permission to serve donated alcoholic beverages at their ST. Vincent Physician Recognition Dinner.

INDIANAPOLIS MUSEUM OF ART CHINESE NEW YEAR CELEBRATION – The Indianapolis Museum of Art would like to serve donated alcoholic beverages at their Chinese New Year Celebration.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No announcements.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER